

REMARKS

Claims 41-55 are currently pending in this application. By this amendment, Claim 48 has been amended and rewritten to depend from claim 41, Claim 55 has been amended to correct grammar, and Claims 41-47 and 49-54 are unchanged. In response to the restriction requirement stated in the Office Action mailed October 7, 2004, in the above-identified application, the following remarks are offered.

First, Applicants' Attorney, Leon Nigohosian, Jr., appreciates the opportunity given on October 1, 2004 to discuss with Examiner Footland by telephone the Office Action restriction requirement mailed September 8, 2004. During this interview, Applicants' Attorney requested that the previous Office Action be reissued because the restriction requirement did not consider the claims as amended by the preliminary amendment filed with the instant application.

Second, on considering the subsequent restriction requirement made by the October 7, 2004 Office Action, this latest restriction requirement is hereby traversed. The Examiner has indicated that the application contains claims directed to patentably distinct species of the invention shown in Figs. 1-2, Figs. 3-4, and Figs. 5-6. Applicants provisionally elect the species of Figs. 3-4 (on which Claims 41-47 are readable). However, reconsideration of the requirement is requested in view of the following.

The Examiner indicates that no claims are currently generic. Applicants' Attorney respectfully disagrees. Claim 41 specifies a bearing assembly for a rotor, the assembly

comprising a cage member surrounding the rotor; a housing member surrounding the cage member; and at least one axially-extending groove formed in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member. As such, it is respectfully submitted that Claim 41 reads on both Figs. 3-4 and 5-6.

In particular, Figs. 3-4 show a bearing assembly (30) comprising a cage member (36) surrounding the rotor (32); a housing member (40) surrounding the cage member (36); and at least one axially-extending groove (40c and/or 40d) formed in the housing member to form a cantilevered portion (40e and/or 40f) extending between the groove and the corresponding surface of the cage member. Similarly, Figs. 5-6 show a bearing assembly (50) comprising a cage member (56) surrounding the rotor (52); a housing member (60) surrounding the cage member (56); and at least one axially-extending groove (60c and/or 60d) formed in the housing member to form a cantilevered portion (60e and/or 60f) extending between the groove and the corresponding surface of the cage member.

As amended, Claim 48 depends from Claim 41 and further recites that the bearing assembly further includes “at least one axially-extending groove formed in the cage member to form a cantilevered portion extending between the groove and the corresponding surface of the housing member.” Thus, Claim 48 and its further dependent Claims 49-55 additionally include a further feature shown in Figs. 5 and 6, namely, at least one axially-extending groove (56a and/or 56b) formed in the cage member (56) to form a cantilevered portion (56c and/or 56d) extending between the groove and the corresponding surface of the housing member.

Thus, because Claim 41 is generic to both Figs. 3-4 and 5-6, it is respectfully requested that the restriction requirement be withdrawn for at least the reasons discussed above.

If, however, the Examiner maintains the species restriction between Figs. 3-4 vs. 5-6, Applicants respectfully traverse the restriction requirement and further submits that the allegedly patentably distinct species identified by the Examiner are so inextricably related to one another that they should be examined in a single application. A complete and thorough search of the prior art for any of these species would require a search of the subject matter of the others, and it is respectfully submitted that there will not be a serious burden placed on the Examiner if restriction to a single species is not required.

Practicality and efficiency and the lack of serious burden on the Examiner dictate that Claims 41-55 should be retained in a single application and the restriction requirement should be withdrawn. The restriction requirement, if sustained, will prejudice the applicant because of a decrease in the length of the patent term that would most likely result for any patent that may issue from a divisional patent application, as this term would be based on the filing date of the instant application. Moreover, the increased costs arising from further substantial filing fees and prosecution costs further prejudice the applicant. In view of the foregoing, withdrawal of the election of species requirement is requested.

CONCLUSION

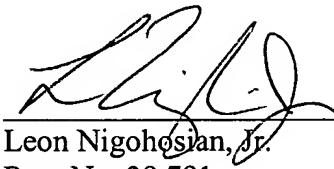
In view of the foregoing, examination of the of the current application on the merits is respectfully requested.

The undersigned is available for consultation during normal business hours.

Respectfully submitted,

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Date


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